

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

- v. -

JOSE M. HERNANDEZ,
a/k/a "Chepe,"
ANTONIO PADILLA-PARRA,
FRANKLIN PAYANO,
a/k/a "Findingo,"

Defendants.

SEALED INDICTMENT

S1 07 Cr. 1108 (LBS)

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: DEC 17 2007

COUNT ONE

The Grand Jury charges:

1. From approximately in or about October 2007, up to and including November 16, 2007, in the Southern District of New York and elsewhere, JOSE M. HERNANDEZ, a/k/a "Chepe," ANTONIO PADILLA-PARRA, and FRANKLIN PAYANO, a/k/a "Findingo," the defendants, and others known and unknown, unlawfully, intentionally, and knowingly did combine, conspire, confederate and agree together and with each other to violate the narcotics laws of the United States.

2. It was a part and an object of the conspiracy that JOSE M. HERNANDEZ, a/k/a "Chepe," ANTONIO PADILLA-PARRA, and FRANKLIN PAYANO, a/k/a "Findingo," the defendants, and others known and unknown, would and did distribute and possess with intent to distribute a controlled substance, to wit, five kilograms and more of mixtures and substances containing a

detectable amount of cocaine, in violation of Title 21, United States Code, Sections 812, 841(a)(1) and 841(b)(1)(A).

Overt Acts

3. In furtherance of said conspiracy and to effect the illegal object thereof, the following overt acts, among others, were committed in the Southern District of New York and elsewhere:

a. In or about mid-November 2007, JOSE M. HERNANDEZ, a/k/a "Chepe," the defendant, spoke with a co-conspirator not named as a defendant herein ("CC-1") to make arrangements for the delivery of a large quantity of cocaine to the New York metropolitan area;

b. In or about mid-November 2007, ANTONIO PADILLA-PARRA, the defendant, drove a vehicle that contained approximately 11 kilograms of cocaine to New York for delivery to HERNANDEZ and FRANKLIN PAYANO, a/k/a "Findingo," the defendant.

c. In or about mid-November 2007, PAYANO drove a vehicle with a hidden compartment to New York to pick up approximately 11 kilograms of cocaine from PADILLA-PARRA.

(Title 21, United States Code, Section 846.)

FORFEITURE ALLEGATION

4. As a result of committing the controlled substance offense alleged in Count One of this Indictment, JOSE M. HERNANDEZ, a/k/a "Chepe," ANTONIO PADILLA-PARRA, and FRANKLIN PAYANO, a/k/a "Findingo," the defendants, shall forfeit to the United States, pursuant to 21 U.S.C. § 853, any and all property constituting or derived from any proceeds the said defendants obtained directly or indirectly as a result of the said violation and any and all property used or intended to be used in any manner or part to commit and to facilitate the commission of the violation alleged in Count One of this Indictment, including but not limited to a sum in United States currency representing the amount of all proceeds obtained as a result of the controlled substance offense alleged in Count One of the Indictment, for which the defendants are jointly and severally liable.

Substitute Asset Provision

5. If any of the above-described forfeitable property, as a result of any act or omission of the defendants:

(1) cannot be located upon the exercise of due diligence;

(2) has been transferred or sold to or deposited with, a third party;

(3) has been placed beyond the jurisdiction of the court;

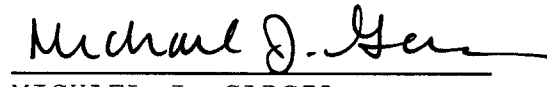
(4) has been substantially diminished in value; or

(5) has been commingled with other property which cannot be divided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any property of the defendants up to the value of the above forfeitable property.

(Title 21, United States Code, Sections 846 and 853.)


FOREPERSON


MICHAEL J. GARCIA
United States Attorney

Form No. USA-33s-274 (Ed. 9-25-58)

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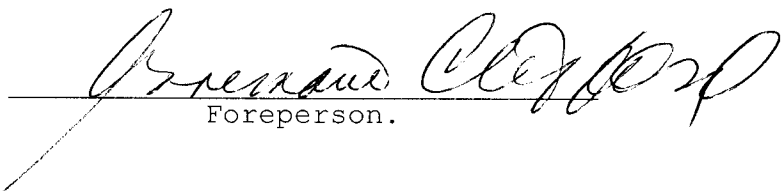
INDICTMENT

S1 07 Cr. _____

(Title 21, United States Code,
Section 846)

MICHAEL J. GARCIA
United States Attorney.

A TRUE BILL


Foreperson.

12/17/07

Fulled Ind,
Ells. J.